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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,758	08/23/2000	Hiroaki Kawamichi	NIT-223	1003

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EXAMINER

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 09/29/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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14

Office Action Summary	Application No.	Applicant(s)	
	09/643,758	KAWAMICHI ET AL.	
	Examiner	Art Unit	
	Jungwon Chang	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-14 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-14 are presented for examination.
2. It is noted that the line numbers in claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the examiner and applicant all future correspondence should include the recommended line numbering.
3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc. (i.e., Abstract is too long, and it is not a single paragraph).

4. The drawings are objected to because of the typo in ST85, Fig. 14.

"Notification to a parson to be notified" should be "Notification to a person to be notified".

Correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-4, 11 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following terms lack proper antecedent basis:
 - i. the ability – claim 1, line 3;
- b. The claim language in the following claims is not clearly understood:
 - i. as to claim 11, lines 7-8, it is not clearly understood what is meant by “a processor, connected to the memory, for, based on the programs” (i.e., misuse of punctuation makes it very difficult to determine exactly which units performs which functions).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 1-3, 5-7 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Almstead et al. (US 6,499,114 B1), hereinafter Almstead.

9. As to claims 1, 5 and 9, Almstead discloses the invention substantially as claimed, including an adaptive communication method for notifying an information notified person of information (28, 23, fig. 1; 96, fig. 2; col. 8, lines 41-49; col. 13, lines 42-45), which relates to the ability of any of a plurality of pieces of equipment (29, fig. 1; col. 4, lines 40-47), from a distributed system (col. 4, lines 13-21) consisting of the plurality of pieces of equipment includes one or more arithmetic units (col. 4, lines 55-59), said adaptive communication method comprising the steps of:

acquiring environment information, which indicates an environment in which the plurality of pieces of equipment is installed (TABLE 1; col. 4, lines 2-12; col. 5, lines 43-51; col. 9, lines 6-15), at least a predetermined time earlier than the time instant at which the information is notified (col. 1, lines 13-19);

determining a way of notifying the information notified person of information according to the acquired environment information and the contents of information to be notified (col. 8, lines 52-65);

notifying the information notified person of the information according to the determined way of information notification (28, 23, fig. 1; 96, fig. 2; col. 8, lines 41-49; col. 13, lines 42-45).

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10. Almstead does not specifically disclose that the plurality of pieces of equipment is interconnected over a transmission medium. Collins discloses that the plurality of pieces of equipment is interconnected over a transmission medium (col. 4, lines 2-21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Almstead and Collins because Collins's interconnecting the equipments would allow the equipments to access the same information and share data between the equipments.

11. As to claims 2, 6, 10 and 12, Almstead further discloses wherein the environment information is at least one of time information concerning the ability of equipment (i.e., timers; col. 3, lines 27-35; col. 5, lines 43-51; col. 6, lines 54-66; col. 9, lines 3-6).

12. As to claims 3, 7 and 13, Almstead does not specifically disclose suspending notification of the information notified person of information according to the environment information. However, Almstead discloses utilizing both a change detect (i.e., a dead band) technique and a time-coherent technique (col. 6, lines 59-66). It would have been obvious to one of ordinary skill in the art the time the invention was made to include suspending notification because those techniques in Almstead would allow flexibly setting the desired time interval to notify the information to the operator.

13. As to claim 11, it is rejected for the same reasons set forth in claims 1, 5 and 9 above. In addition, Almstead discloses a memory in which programs are stored (34, fig.

1; col. 3, lines 27-35; col. 5, lines 35-42); a processor, connected to the memory, for, based on the programs (12, fig. 1; col. 4, lines 55-67).

14. Claims 4 and 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

15. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

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Collins et al, patent 6,553,418 B1, Yamada et al, patent 6,421,630 B1, Budike, Jr., patent 6,122,603, Lim et al, patent 6,370,582 B1 disclose method and system for monitoring a machine to detect a predetermined machine condition, such as fault condition and generating email message to notify a service technician the machine failure or other condition.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)308-9052. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9669.

Jungwon Chang
September 17, 2003


MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100